IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 411 /2004

PETITIONER: Ramesh Kumar Sahu aged about 19 years S/o late Shri Chhabi lal Sahu R/o- Tifra District Bilaspur (C.G.)

VERSUS

RESPONDENTS:

1. Chhattisgarh State Electricity Board Through The Chairman, C.S.E.B. at Dangania Raipur (C.G.)
2. The Chief Engineer C.S.Electricity Board Raipur (C.G.)
3. The Executive Engineer (Civil), C.S.Electricity Board Raipur (C.G.)
4. The Superintendent Engineer (Civil), C.S.Electricity Board Raipur (C.G.)
5. The Assistant Engineer (Civil), C.S.Electricity Board Raipur (C.G.)
6. The Joint Secretary C.G.S. Electricity Board Raipur (C.G.)

RIT PETITION UNDER ARTICLES 226/227 OF THE ONSTITUTION OF INDIA.

PARTICULARS OF THE PETITIONERS:

As stated in the cause title above.

2. PARTICULARS OF THE RESPONDENTS:

PE

RESPOND

P.R. No. 3961/04
Presented by Shri F.S. Khan
dated ... 25.8.04

Amendment made as per hon'ble court Order Dated 20/8/2004
F.S. Khan
Adv.
26/8/2004
Attested
Sd/-
A.R (J)
10/9

Respondent No. 7 - The State of M.P. through the Principal Secretary Deptt. of Power & Energy, Vallabh Bhawan, Bhopal (M.P.)

Respondent no. 8: M.P.State Electricity Board, Shkati Bhawan Jabalpur(M.P.)

2. PARTICULARS OF THE RESPONDENTS.

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मामला क्रमांक ....W.P.No.411/04. **सन् 200**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6.7.2006

Shri F.S. Khare, counsel for the petitioner.

Shri A.S. Geharwar, Standing Counsel for respondent No.1 to 6.

Shri Vivek Verma, counsel for respondent No.7.

Shri S.K. Beriwal, Central Government Counsel for respondent No.8.

Heard.

By this petition the petitioner has questioned the legality, propriety and correctness of the order dated 19.7.1997 (Annexure P-5) issued by respondent No.3 and also the order dated 25.3.2000 (Annexure P-6).

The case of the petitioner is that his father namely Chhabilal was working was AG-III in the CSEB Department and died on 30.12.1989 in harness, copy of death certificate is Annexure P-1. His father left behind the wife namely Shanti Bai, five daughters and one son i.e. the petitioner herein. The petitioner is the only male member in the family and unemployed. The petitioner's mother is housewife and she is dependent on the petitioner. The mother of petitioner made application on 13.3.1997 before respondent No.3 along with an affidavit for compassionate appointment. Respondent No.3 vide letter dated 4.4.1997 (Annexure P-4) directed the mother of petitioner that any member of her family, who is eligible for service may appear before the Joint Secretary, MPEB, Jabalpur. The petitioner's mother submitted all necessary information before respondent No.3 and thereafter on 19.7.1997 respondent No.3 issued a direction to the mother of petitioner herein that as the age of petitioner herein is 12 years and as per rule the department cannot give appointment to the petitioner because he is below 18 years of age,

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, apply for appointment when the petitioner attains the age of majority. After attaining the age of 18 years, the petitioner submitted application form (Annexure P-7) for appointment, but respondent No.3 refused to accept the application. The petitioner asked respondent No.3 several times that he has fulfilled all necessary requirements, therefore, his case be considered. Ultimately, it has been requested that respondent-CSEB be directed to issue appointment in favour of the petitioner forthwith on the compassionate ground.

Reply has been filed on behalf of the respondent-CSEB to the effect that since the death of employee was prior to 15.11.2000 and as per existing policy dated 28.2.2004, even as per pre-revised policy dated 1.3.2002 the dependents of deceased employee are not entitled for any relief, having been not eligible.

I have heard the learned counsel for the parties.

As per communication sent by the respondent concerned, as mentioned earlier, as the petitioner was minor, therefore, he was not entitled for compassionate appointment and when he attained the age of majority in the year 1997 and went to submit the application, respondent No.3 straight way refused to accept the application and the reply of the respondent CSEB is that as the death took place prior to 15.11.2000, therefore, the dependents of the deceased employee who died prior to 15.11.2000 are not entitled for compassionate appointment.

It is an admitted position that the petitioner applied in the year 1997 when the policy dated 30.1.1997 was in force, however, at that time the

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner has not attained the age of majority, which is evident from Annexure P-7 mark sheet according to which the date of birth of petitioner is 1.7.1985. The petitioner attained the age of majority on 1.7.2003 and by that time the policy of year 1997 was revised and new policy dated 1.3.2002 (Annexure R-5) came into force and as per policy dated 1.3.2002 of the CSEB the dependents of those employees only who died or has become incapacitated on account of an accident while discharging the duty of the Board shall be entitled for compassionate appointment.

In the present there is no averment in the petition that the petitioner's father died on account of any accident while discharging the duty of the Board. Learned counsel for the petitioner submitted that the petitioner's father died on account of disease, as he was suffering from cancer and as such, the petitioner's father had not died on account of any accident, therefore, the case of the petitioner under the revised policy dated 1.3.2002 is not covered.

In the result, I do not find any merit in this case, same is liable to be dismissed and accordingly, it is dismissed.

Sd/-
L.C.BHADOO
Judge